

OKLAHOMA HAZARDOUS WASTE FACILITY SITING PROVISIONS

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Relevant Statutes and Regulations:

- G *Oklahoma Statutes Annotated* (O.S.), 1997 Cumulative Annual Pocket Part: “Oklahoma Hazardous Waste Management Act”, Title 27A, §§ 2-7-101 *et seq.*
- G *Oklahoma Statutes Annotated* (O.S.), 1997 Cumulative Annual Pocket Part: “Oklahoma Uniform Environmental Permitting Act”, Title 27A, §§ 2-14-101 *et seq.*
- G *Oklahoma Administrative Code* (OAC), 1997 Annotated: “Hazardous Waste Management”, §§ 252:200-1 *et seq.*
- G *Oklahoma Administrative Code* (OAC), 1997 Annotated: “Procedures of the Department of Environmental Quality”, §§ 252:2-15-1 *et seq.*

<http://www.deq.state.ok.us/rules/rulesindex.htm> has rules and regulations

State Agency web address:

- G <http://www.deq.state.ok.us/>

Affected Facilities:

- G** All treatment, storage, and disposal facilities that are subject to OAC 252:200-3-2(6) (the analog to 40 CFR Part 264) are required to obtain a permit to operate such a facility. At OAC 252:200-9-1, Oklahoma also subjects recycling facilities to its requirements in Chapter 252:200.
- G** Under the Uniform Permitting Procedures in Subchapter 15, OAC 252:002, permit processes are classified as Tier I , II, or III. All applications for permits to locate a new **on-site or off-site hazardous waste treatment, storage, or disposal facility** fall under the Tier II (on-site facilities) and the Tier III (off-site facilities) permit processes (OAC 252:200-15-44 and 252:200-15-45). The Tier I permit process applies generally to permit modifications and probably is not applicable to the siting of new hazardous waste facilities. See below for more specific explanation of Oklahoma's Uniform Permitting Procedures.

Definitions of Facility Types:

- G** "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them). (Same as Federal, 40 CFR Part 260.10, incorporated by reference at OAC 252:200-3-2(2).)

Oklahoma Uniform Permitting Procedures Definitions:

- G** "Tier I" means a basic process of permitting which includes application, notice to the landowner and Department review. For the Tier I process a permit shall be issued or denied by a technical supervisor of the reviewing Division or local representative of the Department provided such authority has been delegated thereto by the Executive Director of the Department of Environmental Quality. [27A O.S. 1997 *supp.* §2-14-103(9)]
- G** "Tier II" means a secondary process of permitting which includes:
- C** the Tier I process,
 - C** published notice of application filing
 - C** preparation of draft permit or draft denial,
 - C** published notice of draft permit or draft denial and opportunity for a formal public meeting, and
 - C** public meeting, if any.
- For the Tier II process, a permit shall be issued or denied by the Director of the reviewing Division provided such authority has been delegated thereto by the Executive Director of the Department of Environmental Quality. [27A O.S. 1997 *supp.* §2-14-103(10)]

- G** “Tier III” means an expanded process of permitting which includes:
- C** the Tier II process except the notice of filing shall also include an opportunity for a process meeting,
 - C** preparation of the Department’s response to comments, and
 - C** denial of application, or
 - C** preparation of a proposed permit, published notice of availability of proposed permit and response to comments and of opportunity for an administrative permit hearing; and an administrative permit hearing, if any.
- For the Tier III process a permit shall be issued or denied by the Executive Director. *[27A O.S. 1997 supp. §2-14-103(11)]*

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Oklahoma Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ADMINISTRATION			
STATE ADMINISTERING AGENCY			
Department of Environmental Quality (“DEQ” or “the Department”).	NA	<i>[27A O.S. 1997sup. §§2-7-104 & 2-7-105]</i>	The hazardous waste management program is maintained by the Department of Environmental Quality (“DEQ” or “the Department”).
Responsibilities of the Department relative to siting.	NA	<i>[27A O.S. 1997 supp. §§2-7-105(1) & (18)]</i>	The Department issues permits for the construction and operation and for the post-closure maintenance and monitoring of hazardous waste facilities. The Department also identifies areas within the State that are unsuitable for specific hazardous waste disposal methods and denies permits for such disposal methods in such areas.

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Topic	Stage ¹	State citation ²	Provision
Responsibilities of the Department relative to the permitting process.	NA	<p><i>[2-14-202]</i> 252:2-15</p> <p>252:2-15-31(d) 252:2-15-32(e) 252:2-15-30(c) 252:2-700</p> <p>252:2-15-31(e) 252:2-15-32(f) <i>[2-14-302(A)]</i></p> <p><i>[2-14-302(A)(1)]</i></p> <p><i>[2-14-304(A)]</i></p> <p>252:2-15-31(h)&(i) 252:2-15-32(h)&(i) <i>[2-14-304(B)&(C)]</i></p> <p><i>[2-14-304(C)(1)</i> <i>(second paragraph)]</i></p> <p>252:2-15-32(l) 252:2-15-30(d) <i>[2-14-304(F)]</i></p>	<p>The Department is responsible for implementing the Oklahoma Uniform Environmental Permitting Act which provides uniform permitting provisions regarding notices and public participation opportunities codified under Subchapter 15 of OAC Chapter 252:002. These responsibilities are:</p> <p>C conducts administrative review for completeness and the technical review (Tier II & III);</p> <p>C prepares draft permit or draft denial (Tier II & III);</p> <p>C publishes notice for draft denial of a permit application (Tier II & III);</p> <p>C issues or denies a Tier II final permit, if no comment or public meeting request was timely received and on which no public meeting was held;</p> <p>C if comments were timely received or a public meeting is held, reviews comments and prepares a written response within 90 days after the close of the public comment period and makes a final denial (Tier II & Tier III process), or makes the draft permit a final permit (Tier II process), or prepares a proposed permit (Tier III process);</p> <p>C issues a final permit, if no timely written request is received for an administrative hearing on a Tier III proposed permit;</p> <p>C must provide public notice of the final permit decision and the availability of the response to comments, if any, upon final issuance or denial of a permit for a Tier III application.</p>

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Responsibilities of the Department relative to the permitting process. (Continued)		<i>[2-14-304(E)]</i>	If DEQ decides to reverse its initial draft decision, it must withdraw the draft denial or draft permit, prepare another draft, provide notice of the withdrawal and new draft, and then re-open the comment period and provide opportunity for a formal public meeting.
Responsibilities of the applicant relative to the permitting process.	NA	<p>252:2-15-30(b)(1) 252:2-15-31(b)</p> <p>252:2-15-30(b)(3) <i>[2-7-113(A)]</i> <i>[2-7-103(1)]</i></p> <p>252:2-15-31(c) 252:2-15-32(c) 252:2-15-29(a) <i>[2-14-301(A) & (B)]</i></p> <p>252:2-15-29(b)</p> <p>252:2-15-31(f) 252:2-15-32(g) 252:2-15-29 <i>[2-14-302(A)(1)]</i></p> <p><i>[2-14-302(B)]</i></p> <p><i>[2-14-303(3),(5)&(6)] [2-14-304(D)(1)]</i></p>	<p>The applicant is responsible for:</p> <p>C upon submission of a permit application, filing 3 copies with DEQ and placing 1 copy for public review in the county in which the facility is proposed to be located (Tier II & III);</p> <p>C upon filing, notifying landowner and the affected property owners (all real property owners within one mile of the proposed site) (Tier II & III);</p> <p>C publishing a notice of the filing in one newspaper local to the site (Tier II and Tier III) and providing a 30-day opportunity to request a process meeting (Tier III only);</p> <p>C providing DEQ with written affidavit of publication within 20 days of publication of the notice of permit application submission (Tier II & III);</p> <p>C publishing public notice of draft permit that provides the comment period and request for public meeting (the applicant is also subject to applicable additional notice provisions of Federal requirements promulgated as rules of the Environmental Quality Board) (Tier II & III);</p> <p>C making the draft permit and the application available for public review at a location in the county where the new site or existing facility is proposed to be located (Tier II & III);</p> <p>C being present at the public meeting and at the Administrative Hearing (if held, Tier III permits only).</p>

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THE INTERAGENCY COORDINATING COUNCIL			
None.			
INDEPENDENT SITING BOARD			
None.			

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LOCAL COMMUNITY NEEDS AND INVOLVEMENT			
LOCAL REVIEW/INVOLVEMENT			
Affected property owners must approve an emergency and release response plan.	PA	252:200-11-3(a) [2-7-111(C)(2)(a)]	A facility for off-site treatment, storage, recycling, or disposal of HW cannot be sited in the State without prior written approval of an emergency and release response plan by the affected property owners (real property owners within 1 mile of the outer perimeter of the proposed HW site).
		252:200-11-3(b) [2-7-111(C)(2)(a)]	C This plan must provide for the minimization of hazards to the health and property of such affected property owners from emergency situations or from sudden or non-sudden releases of HW.
		252:200-11-3(c) [2-7-111(C)(2)(a)]	C The applicant must make reasonable effort to negotiate this plan and certify to the Department that he has obtained written approval from a majority of affected property owners.
		252:200-11-3(d) [2-7-111(C)(2)(a)]	C The affected property owners must specify to the Department the reasons for non-approval of the emergency and release response plan within 45 days of the notice by the applicant that a permit application has been filed. Failure to comply will cause the Department to exclude that parcel from the calculation of a majority of affected property owners. The Department is expressly authorized to review the reasons of the affected property owners for non-approval of the plan. If non-approval is not based solely upon minimization of environmental hazards, the Department must exclude those affected property owners from a calculation of a majority of affected property owners. The Department will have the final authority to issue or not issue any permit.
OTHER AGENCY OR GOVERNMENTAL ENTITY INVOLVEMENT			
Local zoning authority.	NA	252:200-13-3	DEQ’s rules in OAC 252:200 (HWM regulations) do not abrogate in any way the zoning authority of any duly constituted zoning agency with respect to the siting of any site or facility.

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Opportunity for city to review emergency and release response plan.	PA	252:200-11-3(f) <i>[2-7-111(C)(2)(c)]</i>	The applicant must give the city or town a copy of its emergency and release response plan for any new facility that it proposes to locate within that city limits or within the emergency response area of that incorporated city. The Department will not approve of the plan until at least 60 days after the city has been served a copy of the plan by the applicant. During the 60-day period the city has an opportunity to review the plan and comment to the Department upon its ability to comply with any item in the plan that requires participation or assistance by the city.
County Commissioner involvement.	PA	<i>[2-7-115]</i> 252:200-11-2(a)	The board of County Commissioners of the county in which the waste facility is proposed to be located and the board of County Commissioners of any county contiguous to the facility, whose roads and bridges are to be used to provide access to the proposed site, shall review the county road classification plans to determine whether the proposed facility may be a substantial detriment to such roads and bridges. The Department will issue a permit for a new HW facility when: C each board substantiates by resolution that the roads and bridges can be used without substantial detriment, C the board(s) fail to act as provided in 27A O.S. 2-7-115(C); C there is an agreement between applicant and the appropriate board(s) reflecting the upgrades to roads and bridges as provided in 27A O.S. 2-7-115(B)(1); or C there is a final order from the appropriate district court(s) resolving grievances between the applicant and the appropriate board(s), as provided in 27A O.S. 2-7-115(D)
COMPATIBILITY OF FACILITY SITE WITH LOCAL SOLID WASTE MANAGEMENT PLANS			
No provisions found.			
IMPACT OF FACILITY ON LOCAL LAND USE			
No provisions found.			

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PUBLIC PARTICIPATION			
The federal regulations regarding the public participation process for the permitting of hazardous waste (RCRA) facilities can be viewed at http://earth1.epa.gov/epacfr40/chapt-I.info/subch-D/40P0124.pdf within the Part 124 Procedures for Decisionmaking. (The State regulations cannot be less stringent than these federal counterparts.)			
NOTIFICATION			
Notice to the affected property owners.	PA	<i>[2-7-113(A)]</i> <i>[2-7-103(1)]</i>	Upon submission of application for a new permit, which then becomes a public record, the applicant shall notify the affected property owners (all real property owners within one mile of the proposed site).
Public notice that an application for a permit has been filed.	PA	252:2-15-31(c) 252:2-15-29(a) <i>[2-14-301(A)]</i>	For a Tier II permit application (on-site HW facility), the applicant must publish notice of the filing in one newspaper local to the site.
		252:2-15-32(c) 252:2-15-29(a) <i>[2-14-301(A)&(B)]</i>	For a Tier III permit application (off-site HW facility), the applicant must publish notice of the filing in one newspaper local to the site and provide a 30-day opportunity to request a process meeting.
		252:2-15-29(b)	Applicant must provide DEQ with written affidavit of publication within 20 days of publication.

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Public notice that an application has been filed must contain specific information.	PA	252:2-15-29(a) <i>[2-14-301(A)]</i>	Published notices must contain: C name and address of the applicant; C name, address and legal description of the site, facility and/or activity; C purpose of the notice; C type of permit; C description of the activities to be regulated; C names, addresses, and telephone numbers of contact persons for the DEQ and the applicant; C description of public participation opportunities and time period for comment and requests; C any other information required by DEQ rules; and C any information the applicant deems relevant.
Public notice that draft permit or draft denial has been prepared.	PDP	252:2-15-31(f) 252:2-15-32(g) <i>[2-14-302(A)(1)]</i> 252:2-15-31(f)(2)(A) <i>[2-14-302(A)(1)]</i>	Applicant must publish public notice that DEQ has prepared a draft permit; the notice must provide the comment period and request for public meeting. Applicant is also subject to applicable additional notice provisions of Federal requirements promulgated as rules of the Environmental Quality Board. DEQ publishes notice for draft denial if applicable.
Public notice of a draft permit or draft denial must contain specific information.	PDP	252:2-15-31(f) 252:2-15-32(g) 252:2-15-29 <i>[2-14-302(A)(2)]</i>	Notice of the draft denial or draft permit must be published as a legal notice in one newspaper local to the proposed new site or facility. The notice must C identify the places where the draft denial or draft permit may be reviewed, including a location in the county where the new site or facility is proposed to be located, and C establish a 45-day period for public comment.
Public notice that a public meeting has been scheduled.	PDP	<i>[2-14-303(1)]</i>	If DEQ receives a request for a public meeting during the 45-day public comment period after the notice of draft denial or draft permit, it must provide notice of the public meeting 30 days prior to the meeting date.

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Public notice of opportunity to review a proposed permit and request an administrative hearing (Tier III).	PDP	252:2-15-32(i) <i>[2-14-304(C)(1)]</i> <i>[2-14-304(C)(1)]</i> 252:2-15-29	Under the Tier III permit process, if and when a proposed permit has been prepared, the applicant must publish a notice in one newspaper local to the proposed site of a 20-day opportunity to review the proposed permit and to request an administrative hearing. The notice, as prepared under 252:2-15-29, must also identify the places where the proposed permit and DEQ's response to comment can be reviewed, including a location in the county where the new site is proposed to be located.
Public notice of final issuance or denial of permit.	PDP	<i>[2-14-304(F)]</i> 252:2-15-32(l) 252:2-15-30(d)	Upon final issuance or denial of a proposed permit for a Tier III application, DEQ must provide public notice of the final permit decision and the availability of the response to comments, if any.
Notification to the board of County Commissioners.	PA	<i>[2-7-115(C)]</i>	The Department must notify the board of County Commissioners of the county in which the waste facility is proposed to be located and the board of County Commissioners of any county contiguous to the facility by certified mail, return receipt requested. These boards have 45 days from receipt of such notice to review the county road classification plan and respond to the Department. Failure to respond within 45 days constitutes a finding that the roads and bridges can be used without substantial detriment.
PUBLIC MEETING			
The Department may hold a process meeting on the permitting process.	PA	<i>[2-14-301(B)]</i>	Upon filing and public notice of a Tier III permit application, if DEQ receives a timely request and determines that a significant degree of public interest in the application exists, it must schedule and hold a process meeting on the permitting process. The applicant is entitled to attend the meeting and may make a brief presentation on the permit request. Any local community meeting to be held by the applicant on the proposed facility for which a permit is being sought may be combined with the process meeting.

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PUBLIC HEARINGS			
The Department may hold a public meeting on the draft permit or draft denial. (Note that Oklahoma's public meeting process is analogous to the Federal public hearing process.)	PDP	252:2-15-31(g) 252:2-15-32(h) <i>[2-14-302(A)(2)]</i> <i>[2-14-303 intro]</i> <i>[2-14-303(1)-(3), (5)&(6)]</i> <i>[2-14-304(A)]</i>	If DEQ receives a timely written request during the 45-day comment period after publication of the notice for draft permit or draft denial, it must C schedule and conduct a public meeting; C determine the location of the public meeting and the designated presiding officer; C hold the public meeting at a location convenient to and near the proposed new site not more than 120 days after the publication date of notice of the draft denial or draft permit. The applicant must be present at the public meeting, which is not a quasi-judicial proceeding, and any person may submit oral or written comments. For Tier II permit applications, no public meeting is held if there are no comments or requests for a public meeting and DEQ will proceed to issue or deny the final permit.
ADJUDICATORY HEARINGS			
Opportunity to request an administrative hearing regarding a Tier III proposed permit.	PDP	<i>[2-14-304(C)(1)]</i> <i>[2-7-103(16)]</i> <i>[2-14-304(C)(1) (second paragraph)]</i>	Under the Tier III permit process, an opportunity to request an administrative hearing regarding a proposed permit must be available to the applicant and any person or qualified interest group (any organization with 25 or more members who are legal Oklahoma residents) who claims to hold a demonstrable environmental interest and who alleges that the construction or operation of the proposed facility would directly and adversely affect such interest. If no timely written request for an administrative hearing is received, the final permit is issued.

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Administrative hearing on a Tier III proposed permit.	PDP	<i>[2-14-304(D)]</i> <i>[2-14-304(D)(1)-(4)]</i>	<p>If requested, DEQ conducts an administrative hearing; the hearing is a quasi-judicial proceeding conducted by an Administrative Law Judge.</p> <p>C The applicant must be a party to the hearing.</p> <p>C DEQ must schedule a pre-hearing conference within 60 days after the end of the 20-day hearing request period.</p> <p>C DEQ must expeditiously move to an evidentiary proceeding in which parties have the right to present evidence on whether the proposed permit is in compliance with the State code and whether the permit should be issued as is, amended and issued, or denied.</p> <p>C Failure of any party to participate may result in default judgement with regard to that party; however, no permit will shall be issued solely based on any such judgement.</p>
OTHER			
Permit application documents must be available for public review.	PA/PD P	252:2-15-31(b) <i>[2-14-302(B)]</i>	<p>When the applicant files an application for a permit, he must place 1 copy for public review in the county in which the facility is proposed to be located.</p> <p>Upon publication of the notice that a draft permit has been prepared, the applicant must make the draft permit and the application available for public review at a location in the county where the new site or facility is proposed to be located.</p>
Opportunities for public comment.	PA/PD P	252:2-15-31(g) 252:2-15-32(h) <i>[2-14-303(4)]</i> <i>[2-14-304(A)]</i>	<p>When a draft permit or draft denial has been prepared and publicly noticed, there is 45-day opportunity for public comment.</p> <p>If DEQ schedules a public meeting for a draft permit or a draft denial, the public comment period must automatically be extended to the close of the public meeting.</p> <p>For Tier II draft permits, if no comment or public meeting request was timely received and on which no public meeting was held, the final permit is issued or denied.</p>

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SITING RESTRICTIONS AND PROHIBITIONS			
Federal siting restrictions and prohibitions can be viewed at http://www.epa.gov/epacfr40/chapt-I.info/subch-I/ by selecting “Part 264 (Updated 1997) - Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities”. The regulatory requirements are in Location Standards at 264.18 in the document. (State regulations cannot be less stringent than these federal counterparts.)			
SOIL AND WATER			
Aquifer restrictions for new off-site HW treatment, storage, or recycling facility or new on-site or off-site disposal facility.	PA	252:200-11-4(a)(1) & (4) <i>[2-7-111(C)(1)&(3)]</i>	No permit for a new site will be granted to an off-site HW treatment, storage, or recycling facility or new on-site or off-site disposal facility that is proposed to be located over or through an unconsolidated alluvial aquifer or terrace deposit aquifer, or over or through a bedrock aquifer or their recharge areas. As per § 252:200-11-4(a)(4), the Department may grant a variance from this restriction if: C the request for a variance and a detailed rationale are included in the permit application; C the Department receives and considers comments on the appropriateness of the proposed variance at any formal public meeting or administrative permit hearing conducted on the draft permit or proposed permit; C the applicant bears the burden of establishing clearly and convincingly to the Department that the design, construction, and operation of the proposed facility will be such that the risk of release of hazardous waste or hazardous waste constituents directly or indirectly to groundwater is minimal; and C the permit application provides for the establishment and maintenance of a bond or other financial assurance.
Aquifer restrictions for new HW disposal facility .	PA	252:200-11-4(a)(2), <i>[2-7-111(C)(1)]</i>	No permit for a new site will be granted to any HW disposal facility that is proposed to be located over or through an unconsolidated alluvial aquifer or terrace deposit aquifer, or over or through a bedrock aquifer or their recharge areas.

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Aquifer restrictions for new on-site HW treatment, storage, or recycling facility.	PA	252:200-11-4(a)(3) <i>[2-7-111(B)]</i>	No permit for a new site will be granted to an on-site HW treatment, storage, or recycling facility that is proposed to be located over or through a principal groundwater resource or recharge area except pursuant to a plan approved by the Department. This plan must: C contain design criteria and groundwater monitoring provisions as deemed necessary by the Department to protect the quality of the principal groundwater resource or recharge area; and C provide for financial assurance for the purpose of assuring both immediate response and containment and comprehensive remediation in the event of a release to soil or water of any hazardous waste or hazardous waste constituent.

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Oklahoma Hazardous Waste Facility Siting Provisions

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Rebuttable presumption for site proposed in aquifer prohibition areas.	PA	252:200-11-4(a)(5)	<p>There is a presumption that the proposed location is an unapprovable site if the proposed location lies wholly or partially within an area designated as an actual or potential unconsolidated alluvial aquifer or terrace deposit aquifer or bedrock aquifer or recharge area as shown on maps compiled by the Oklahoma Geological Survey. Such a presumption is rebuttable by site-specific hydrological and geological data and other information submitted by the applicant sufficient to demonstrate clearly and convincingly that the proposed location does not lie in a prohibited area. The Department will make a determination of whether a proposed location does not lie in the prohibited area based upon review and conclusions by the Oklahoma Geological Survey.</p> <p>Existing facilities in prohibition areas may continue to operate and may modify or expand their operations to the extent that such operations include increases in existing storage, recycling or disposal capacity or to modify existing disposal sites for treatment or disposal. This shall include upgrading said facilities to use the best available waste destruction technology such as incineration, detoxification, recycling or neutralization technology. Otherwise, an emergency and release response plan may need to be prepared and submitted.</p> <p>The Department may require site-specific hydrological and geological information for proposed facility locations outside a designated principal groundwater resource or recharge area where there is reason to believe that the proposed location may be unsuitable due to localized groundwater conditions.</p>
Water well restrictions for new facilities.	PA	252:200-11-4(b)	<p>No permit will be granted for a new HW disposal facility proposed to be located within 1/4 mile of any public or private water supply well, except that:</p> <p>C existing or proposed private water supply wells on the applicant's property, whether part of the proposed facility or not, may be exempted, at the applicant's discretion;</p> <p>C water supply wells that are conclusively demonstrated by the applicant to be permanently abandoned may be plugged by the applicant if he can demonstrate that he has the grant or right to do so.</p>

¹PPA = Pre-permit application provision

PA = Post permit application, but prior to draft permit provision

PDP = Post draft permit provision

²Citations bracketed in italics (e.g., [2-7-101]) indicate provisions from the State's statutes; citations in regular print are from the State's regulations.

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Topic	Stage ¹	State citation ²	Provision
Restrictions relative to reservoirs.	PA	252:200-11-4(d)	No permit will be granted for a new HW disposal facility that is proposed to be located within one mile of the conservation pool elevation of any reservoir which supplies water for a public water supply.
SEISMIC CONSIDERATIONS			
Placement of a facility over a fault.	PA	252:200-3-2(6)	Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters of a fault which has had displacement in Holocene time. This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1).
FLOODING AND EROSION			
100-year floodplain prohibition.	PA	252:200-11-4(c)	No permit will be issued to any hazardous waste facility proposed to be located in a 100-year floodplain. Note that Oklahoma incorporates by reference the Federal requirement at 40 CFR 264.18(b) which is a restriction rather than a prohibition; Oklahoma 252:200-11-4(c) prevails (pursuant to 252:200-3-6).
AIR			
Air pollution restrictions.	PA	252:200-11-4(e)	With respect to air pollution, no permit will be granted for a new off-site HW disposal facility proposed to be located within one mile of any public school, educational institution, nursing home, hospital or public park.
DISTANCE LIMITATIONS/BUFFER ZONES			
Placement of a facility over a fault.	PA	252:200-3-2(6)	Portions of new facilities where treatment, storage, or disposal of hazardous waste will be conducted must not be located within 61 meters of a fault which has had displacement in Holocene time. This requirement is the same as the Federal requirement at 40 CFR 264.18(a)(1).

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Water wells	PA	252:200-11-4(b)	No permit will be granted for a new HW disposal facility proposed to be located within 1/4 mile of any public or private water supply well, except that: C existing or proposed private water supply wells on the applicant's property, whether part of the proposed facility or not, may be exempted; C water supply wells that are conclusively demonstrated by the applicant to be permanently abandoned may be plugged by the applicant if he can demonstrate that he has the grant or right to do so.
Conservation pool elevation of any reservoir or scenic river.	PA	252:200-11-4(d)	No permit will be granted for a new HW disposal facility that is proposed to be located within one mile of the conservation pool elevation of any reservoir which supplies water for a public water supply or within one mile of any scenic river.
Air pollution	PA	252:200-11-4(e)	With respect to air pollution, no permit will be granted for a new off-site HW disposal facility proposed to be located within one mile of any public school, educational institution, nursing home, hospital or public park.
Distance to cities or towns.	PA	252:200-11-4(e) <i>[2-7-114]</i>	Except as provided by 27A O.S. § 2-7-114, no permit will be issued for a new facility which disposes of HW received from off-site, or for an incinerator which treats HW received from off-site , that is proposed to be located within 8 miles of the corporate limits of any incorporated city or town. The above provision does not apply to: C any facility accepting HW exclusively for the purpose of conducting treatment research and design tests; or C a proposed site located on property owned or operated by a person who also owns or operates a HW facility on contiguous property on which a HW facility was operating pursuant to a valid permit on August 30, 1991. Addition of new treatment, storage or disposal units to an existing HW facility does not constitute a new facility.
OTHER HUMAN HEALTH CONSIDERATIONS			
No provisions found.			

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ENVIRONMENTALLY SENSITIVE AREAS			
Endangered Species			
No provisions found.			
Critical Habitats			
No provisions found.			
Wetlands			
No provisions found.			
Wild, Scenic or Recreational Areas			
Location of a new facility within one mile of any scenic river		252:200-11-4(d)	No permit will be granted for a new HW disposal facility that is proposed to be located within one mile of any scenic river.
Approved Farmland Preservation Areas			
No provisions found.			
Other			
No other provisions found.			
OTHER RESTRICTIONS			
Salt dome formations, salt bed formations, underground mines and caves.	PA	252:200-3-2(6)	<p>The Office of Waste Management, Division of Environmental Protection, prohibits the placement of any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine or cave.</p> <p>This requirement is the same as the Federal requirement at 40 CFR 264.18(c).</p>

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Oklahoma Hazardous Waste Facility Siting Provisions

Topic	Stage ¹	State citation ²	Provision
ENVIRONMENTAL JUSTICE CONSIDERATIONS			
No provisions found.			
ECONOMIC CRITERIA			
No provisions found.			
OTHER CRITERIA			
No provisions found.			

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